
REMARKS**Reconsideration Requested**

In view of the amended claims, Applicant respectfully requests the Examiner to reconsider the Restriction Requirement.

The Restriction Requirement characterized the claims as follows:

Group I (claims 1-23, 25-30, 32-41, 43-58, 60-80) as being drawn to a floating gate transistor (class 365, subclass 185+);

Group II (claims 24, 31, 59) as being drawing to a method of a flash memory array (class 438, subclass 268); and

Group III (claim 42) as being drawn to the method of a flash memory array (class 257, subclass 315).

Applicant notes that the independent claims of the identified **Group I** are:

Claim 1 directed to a floating gate transistor;

Claim 9 directed to a vertical non volatile memory cell;

Claim 17 directed to a non-volatile memory cell;

Claim 53 directed to a method of forming a floating gate transistor;

Claim 70 directed to a method for operating a non-volatile memory cell; and

Claim 77 directed to a method for operating an array of flash memory cells.

Applicant notes that the independent claims of the identified **Group II** are:

Claim 24 directed to a flash memory array;

Claim 31 directed to an array of flash memory cells; and

Claim 59 directed to a method for forming an array of flash memory cells.

Claims 25-30 have been amended to depend on claim 24. Claims 32-41 have been amended to depend on claim on claim 31. Claims 60-69 have been amended to depend on claim 59. The amendments to the claims clarify the dependencies.

Applicant notes that the independent claim of the identified **Group III** is:

Claim 42 directed to an electronic system.

Claims 43-52 have been amended to depend on claim 42. The amendments to the claims clarify the dependencies.

The Restriction Requirement characterizes Group I and Group II as being related as the

RESPONSE TO RESTRICTION REQUIREMENT

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process of making and the product made. Upon considering the independent claims for each of the groupings, this appears to be an incorrect characterization.

Applicant respectfully requests reconsideration of the Restriction Requirement in view of the amended claims.

Response to Restriction Requirement

In order to reply to the present Restriction Requirement, Applicant elects, without traverse, Group I, Species I (claims 1 - 23) drawn to a floating gate transistor. Applicant believes that at least claim 1 is generic to the currently pending claims.

The Examiner is invited to contact Applicant's Representatives at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this 25th day of March, 2003.